

10/574172

Re Box No. V

Reference is made to the following documents:

AP5 Rec'd PCT/TO 30 MAR 2006

D1: WO/0120855
D2: JP11232188
D3: US2003/0055903

The present application does not fulfil the requirements of Article 33 (1) PCT, because the subject matter of claims 1, 3-7 and 9-15 is not novel with regard to Article 33 (2) PCT and the subject matter of claims 2 and 8 is not inventive with regard to Article 33(3) PCT:

1. Document D1 discloses a method for transmitting messages (figures 1 and 2: MAIL) in a network (figures 1 and 2: 100) via data terminals connected thereto (figures 1 and 2: 200A, 200B, 200C, 200D, 300), which features the following steps:
 - Transmitting a message to be relayed (figure 9a) with figure 5a) and page 25, paragraph 3 - page 37, paragraph 5) from a sender data terminal (figures 1 and 2: 200B) to an assigned first mail processing device (figures 1 and 2: 300),
 - Assigning a unique identifier (figure 9a):A0001) to the message, which indicates that the message to be relayed is in the sender data terminal (page 26, paragraphs 5 and 6),
 - Evaluating the identifier by the first mail processing device based on data present therein concerning the entry of a message at an address data terminal (figures 1 and 2: 200D) from the past (page 28, paragraph 4, claims 1, 2, 4, 6 and 7), and
 - in response to the evaluation result, transmitting the message in a triggered or blocked manner (page 28, paragraph 5 - page 29, paragraph 1, claims 1, 2, 4, 6 and 7)The subject matter of claim 1 is thus not novel (Article 33(2) PCT).
2. Document D1 further discloses a data terminal (figures 1 and 2: 200B) and a network (figures 1 and 2: 100) with a mail processing device (figures 1 and 2: 300) for carrying out the method according to claim 1. The subject matter

of claims 10 and 13 is thus likewise not novel (Article 33(2) PCT).

3. Claim 2 differs in terms of claim 1 in that the identifier in a second mail processing device, which is assigned to the address data terminal, is relayed and also evaluated there. It is known that the same mail processing device is assigned to a sender data terminal as is assigned to an address data terminal or another mail processing device. The implementation of the method according to claim 1 in a second mail processing device assigned to the address data terminal is thus an obvious design alternative for the person skilled in the art. The subject matter of claim 2 is therefore not inventive with regard to Article 33(3) PCT.
4. The other alternatives mentioned in the claims 1, 2, 10, 13 are similarly only obvious design options for the person skilled in the art and are thus not inventive with regard to Article 33(3) PCT.
5. The features of the independent claims 3-9, 11, 12 and 14-15 are likewise either disclosed in D1 (see quoted passage in the International Searching Report) and are thus likewise not novel (Article 33(2) PCT) or they are a customary and thus obvious measure for the person skilled in the art (see among others the passages of documents D2 and D3 quoted in the International Searching Report) and is thus not inventive with regard to Article 33(3) PCT.
6. It is additionally noted that in view of document D2 or D3, the subject matter of claims 1 - 15 is either not novel (Article 22(2) PCT) or illustrates a customary and therefore obvious measure for the person skilled in the art and is thus not inventive with regard to Article 33(3) PCT (see the passages of documents D2 and D3 quoted in the International Searching Report).
7. It is further noted that the claims do not satisfy the requirements of Article 6 PCT:
 - 7.1 Although the subject matter of the application is such that a single claim is applied per category (device, method), the existing set of claims contains a number of claims per category also caused by the use of "or" or

"and/or" if applicable.

- 7.2 The frequent use of "or" or "and/or" if applicable, in the claims additionally causes ambiguity in the claims and inconsistencies between the claims relating to the location of the first and/or second mail processing device with regard to the sender data terminal and/or the address data terminal.